

01-21-04

3643

APPROVED  
for  
PTO DEPOSIT ACCOUNT CHARGE  
ACCOUNT# 04-1700

Express Mail No. EL988726611US

Deposited on: 01/20/2004

DUNLAP, CODDING &amp; ROGERS, P.C.

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/884,200
Filing Date	06/19/2004
First Named Inventor	Donald E. Weder
Group Art Unit	3643
Examiner Name	J. Gellner
Attorney Docket Number	8403.411

Total Number of Pages in This Submission

**ENCLOSURES (check all that apply)**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br>See remarks below: |
|--|---|---|

**RECEIVED**

FEB 03 2004

**GROUP 3600**

## Remarks

1. Response (9 pages);
2. Fee Transmittal (1 page);
3. Fee Determination Record (1 page);
4. Transmittal Form (1 page); and
5. Postcard.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	DUNLAP, CODDING & ROGERS, P.C., Customer Number 30589 P. O. Box 16370, Oklahoma City, Oklahoma 73113
Signature	
Date	1/20/04

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail or U.S. Express mail no. EL988726611US in an envelope addressed to the address below on this date:

01/20/2004

Typed or printed name	Nicholas D. Rouse, Reg. No. 36,992
Signature	

Date 1/20/04

SEND TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Express Mail No.: EL988726611US  
Date Deposited: 01/20/2004

for  
PTO DEPOSIT ACCOUNT CHARGE  
ACCOUNT# 04-1700

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 0

## Complete if Known

Application Number	09/884.200
Filing Date	06/19/2004
First Named Inventor	Donald E. Weder
Examiner Name	J. Gellner
Art Unit	3643
Attorney Docket No.	8403.411

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☒ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

04-1700

Dunlap, Coddling & Rogers, P.C.  
Customer No. 30589

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
1001	2001	770	385	Utility filing fee	
1002	2002	340	170	Design filing fee	
1003	2003	530	265	Plant filing fee	
1004	2004	770	385	Reissue filing fee	
1005	2005	160	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	** =	X	\$0
Multiple Dependent	** =	X	\$0

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description
1202	2202	18	9	Claims in excess of 20
1201	2201	86	43	Independent claims in excess of 3
1203	2203	290	145	Multiple dependent claim, if not paid
1204	2204	86	43	** Reissue independent claims over original patent
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)

Nicholas D. Rouse

Registration No.  
(Attorney/Agent)

36,992

Telephone (405) 607-8600

Signature

Date

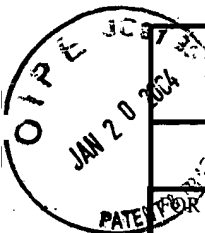
01/20/2004

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
PO Box 1450, Alexandria, VA 22313-1450

Express Mail No.: EL988726611US

Date Deposited: 01/20/2004

PTO/SB/06 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0032  
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE



## PATENT APPLICATION FEE DETERMINATION RECORD

Application or Docket Number

8403.411

## CLAIMS AS FILED - PART I

(Column 1)

(Column 2)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	minus 20 = *	0
INDEPENDENT CLAIMS (37 CFR 1.16(b))	minus 3 = *	0
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		0

RATE	FEE
	\$ 0
x \$ 9 =	0
x 43 =	0
+ 140 =	0
TOTAL	0

RATE	FEE
	\$ 0
x \$ 18 =	0
x 86 =	0
+ 280 =	0
TOTAL	0

\* If the difference in column 1 is less than zero, enter "0" in column 2

## CLAIMS AS AMENDED - PART II

(Column 1)

(Column 2)

(Column 3)

SMALL ENTITY

OR

OTHER THAN  
SMALL ENTITY

AMENDMENT A		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*	Minus	**	= 0
	Independent (37 CFR 1.16(b))	*	Minus	***	= 0
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
x \$ 9 =	0
x 43 =	0
+ 140 =	0
TOTAL ADDIT. FEE	0

RATE	ADDI- TIONAL FEE
x \$ 18 =	0
x 86 =	0
+ 280 =	0
TOTAL ADDIT. FEE	0

AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	*	Minus	**	=
	Independent (37 CFR 1.16(b))	*	Minus	***	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
x \$ 9 =	0
x 43 =	0
+ 140 =	0
TOTAL ADDIT. FEE	0

RATE	ADDI- TIONAL FEE
x \$ 18 =	0
x 86 =	0
+ 280 =	0
TOTAL ADDIT. FEE	0

AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total (37 CFR 1.16(c))	* 18	Minus	** 40	=
	Independent (37 CFR 1.16(b))	* 2	Minus	*** 3	=
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))				

RATE	ADDI- TIONAL FEE
x \$ 9 =	0
x 43 =	0
+ 140 =	0
TOTAL ADDIT. FEE	0

RATE	ADDI- TIONAL FEE
x \$ 18 =	0
x 86 =	0
+ 280 =	0
TOTAL ADDIT. FEE	0

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

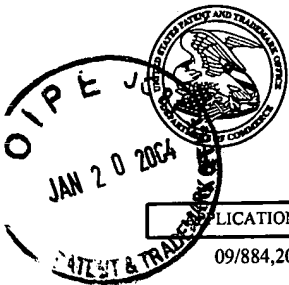
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SEND TO:

Mail Stop Non-Fee Amendment  
Commissioner For Patents, PO Box 1450  
Alexandria, VA 22313-1450



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,200	06/19/2001	Donald E. Weder	8403.411	3758

30589 7590 01/07/2004

DUNLAP, CODDING & ROGERS P.C.  
PO BOX 16370  
OKLAHOMA CITY, OK 73113

DOCKETED

*hhr*

EXAMINER

GELLNER, JEFFREY L

ART UNIT PAPER NUMBER

3643

DATE MAILED: 01/07/2004

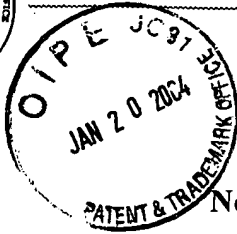
Please find below and/or attached an Office communication concerning this application or proceeding.

DUNLAP, CODDING  
& ROGERS, P.C.

JAN 10 2004



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No.

**Notice of Non-Compliant Amendment (37 CFR 1.121)**

The amendment document filed on 11/25/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☒ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

D. Bates  
Legal Instruments Examiner (LIE)

703/6051939  
Telephone No.

D&amp;C# 8403.411

PRINTED ON: 1/12/2004

This response can be filed. *keh*  
1/19/04.

COUNTRY	US	UNITED STATES	TITLE	
NEW/CON	FCA	SERIAL#	09/884,200	COLLAPSIBLE CONTAINER
RELATED	8402.786	PATENT#		
TYPE	UTL	STATUS	PUBLISHED	
CLIENT	8400	HIGHLAND SUPPLY CORPORATION	1	CREF NO FOREIGN
AGENT				AREF

PRIOR	6/20/2000
MAIL	6/19/2001
FILE	6/19/2001
PUBL	12/19/2002
ISSUE	
1ST	6/19/2001
EXP	6/19/2021

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
PN	Y	NON-PUBLICATION RQST	6/19/2001						8/26/2002				
8/14 - Request acknowledged on filing receipt													
PC	N	POST CARD CHECK	6/19/2001	1 M	7/19/2001	9 1	4/19/2002	0	7/3/2001	0 M	Y	Y	Y
AS	Y	ASSIGNMENT	8/28/2001						11/19/2001				
Recordation date 8/28/01													
ID	N	IDS W/ PTO-1449	6/19/2001	3 M	9/19/2001	9 1	6/19/2002	0	7/6/2001	0 M	Y	Y	Y
7/16 - Rec'd pc													
FS	N	FILG RCPT STATUS CHK	6/19/2001	3 M	9/19/2001	3 1	12/19/2001	0	8/18/2001	0 M	Y	Y	Y
G2	N	MISSING PARTS (2 MO)	8/14/2001	2 M	10/14/2001	4 1	2/14/2002	0	8/28/2001	0 M	Y	Y	Y
8/20 - GMB to NDR: Respond in timely manner. 8/22 - Sent declaration for DEW's signature. mle 8/24 - Rec'd signed declaration 8/28 - Sent declaration, assignment. 9/5 - Rec'd pc													
NF	Y	RESCIND NON PUBL	8/26/2002										
9/11 - Rec'd pc													
R1	N	RESPONSE TO OA (1MO)	8/9/2002	1 M	9/9/2002	5 1	2/9/2003	1	9/9/2002	0 M	Y	Y	Y
Election; 9/14 - Rec'd pc													
PX	N	CHECK ABANDON/V	10/29/2002	0 M	10/29/2002	1 1	11/29/2002	1	12/19/2002	0 M	Y	Y	Y
SC	N	STATUS CHECK	6/19/2001	18 M	12/19/2002	4 1	4/19/2003	0	8/9/2002	0 M	Y	Y	Y
PU	N	PUBLICATION/V	10/29/2002	2 M	12/29/2002		12/29/2002	0	12/19/2002	1 M	Y	Y	Y
9/21/02 - Rec'd revised publication date. 11/20/02 - According to PTO website, no publication yet.													
RE	N	RESPONSE TO OA	9/30/2002	3 M	12/30/2002	3 1	3/30/2003	1	12/20/2002	0 M	Y	Y	Y
sent amendment and redline drawings 1/4 - Rec'd pc													
AN	N	AMEND PUBLICATION	12/19/2002	2 M	2/19/2003		2/19/2003	0	2/19/2003	0 M	Y	Y	Y
R2	N	RESPONSE TO OA (2MO)	3/21/2003	2 M	5/21/2003	4 1	9/21/2003	1	5/8/2003	1 M	Y	Y	Y
sent amendment, formal drawings 5/22 - Rec'd pc													
xx	N	Verify interview	5/21/2003	1 M	6/21/2003	0	6/21/2003	0	6/23/2003	0 M	Y	Y	Y
between NDR and Examiner Gellner re one claim and prior art; agreement not reached. 07/05 - rec'd pc													
RE	N	RESPONSE TO OA	7/28/2003	3 M	10/28/2003	3 1	1/28/2004	3	11/25/2003	0 M	Y	Y	Y
12/1 - rec'd pc 1/10 - rec'd notice of non-compliant amendment													
R1	N	RESPONSE TO OA (1MO)	1/7/2004	1 M	2/7/2004	5 1	7/7/2004	0		0 M	Y	Y	Y
Non-compliant amendment filed 11/25/03													

## INVENTORS

Weder, Donald E.

## ASSIGNEES

SOUTHPAC TRUST INT'L, INC.

## TERMS

Container - collapsible

## PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
------------	-------	---------	-------	---------------------	------

8402.786	US	60/212,572	6/20/2000	COLLAPSIBLE CONTAINER	APPL
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USER-DEFINABLE FIELDS		PATENT FIELDS	
ASSIGN	012142/0917; 3 pgs; 8/28/01	SMALL ENTITY	ART UNIT
CLNTS#		CLAIMS	EXAMINER
PBL#	US 2002 0189166 A1	PUBLICATION#	CONFIRM#

P03872US01	ENTERED	6/12/2001	MODIFIED	1/12/2004	BY	mhh	ATTORNEYS	CAC	/	NDR	/	DSB
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#### NOTES

Description: A collapsible container stored and shipped in a substantially planar configuration and expanded into the form of a flower pot or flower pot cover. The collapsible container includes a plurality of rigid segments and a connecting member for connecting the rigid segments such that the rigid segments define a sidewall and such that the rigid segments are movable between an expanded position wherein the rigid segments cooperate with one another to form an object receiving space and to provide the sidewall with a unitary appearance and a collapsed position wherein the sidewall is substantially flattened.

#### IF CHOOSING FOREIGN, DOCKET TO NOTIFY PTO IMMEDIATELY

Confirmation No. 3758

01/07/02 - Correspondence to Southpac; Re: Original Assignment.

12/20/2002: Amendment and Response to Office Action Dated 09/30/2002 and Redlined Drawings Express Mailed to PTO for filing. NDR/MHS/vrs